

“ Thailand: The Path Toward Reconciliation”

**Statement of Catharin E. Dalpino
Visiting Associate Professor and Director, Thai Studies Program
Edmund A. Walsh School of Foreign Service
Georgetown University**

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Thank you for the opportunity to testify before the Subcommittee on the current situation in Thailand and the prospects for political and social reconciliation. My views are informed by my experience living and working in Thailand over a span of three decades, as well as my work as Director of Thai Studies at Georgetown University. I am also helping the National Bureau of Asian Research to organize a multi-year project on the United States-Thailand alliance, which will consider ways to strengthen the bilateral relationship in this critical period.

Understanding the complex situation in Thailand is made more difficult by perceptions, particularly in the international community, that it is a matter of easy opposites: yellow shirt vs. red shirt; rich vs. poor; urban vs. rural; and authoritarian vs. democrat. There is some degree of truth in these dichotomies, but they risk stigmatizing (or lionizing) large numbers of people unfairly and perpetuating the cycle of retribution. Achieving genuine stability in Thailand will require moving beyond these broad generalizations to a more nuanced approach.

Short and Long-term Steps to Reconciliation

In the aftermath of the occupation of Bangkok's Ratchaprasong area by the United Front for Democracy Against Dictatorship (UDD) group and the resultant government crackdown, Thailand is suspended between crisis and normal political life. The government of Prime Minister Abhisit Vejjajiva has turned its attention to restoration of damaged urban areas and to the promulgation of a five-point reconciliation plan. Emergency rule is maintained in several provinces, which gives the military a greater role in internal security. Although Thai society as a whole and the beleaguered residents of Bangkok in particular no doubt welcome the calm, the immediate post-crisis period is a fragile one.

Restoring political balance in this early stage will depend on the degree to which the government is perceived as being even-handed. Indicators of this will include:

- *due process for UDD leaders and demonstrators under arrest.* This is imperative, not only to demonstrate a commitment to the rule of law but also to political balance. The handling of legal charges against UDD defendants will inevitably be compared to those brought (or not brought) against demonstrators in the People's Alliance for Democracy (PAD) movement for their actions in the 2008 seizure of the Prime Minister's office and Bangkok International Airport.
- *the length of the emergency rule period and the sequence of its cancellation in the provinces.* If the North and Northeastern regions (where former Prime Minister Thaksin Shinwatra is strongest politically) are held over while other provinces are released, there will be an assumption of bias.
- *investigation of casualties incurred in the UDD occupation and especially the crackdown.* The government has said there will be independent investigations of the events of the last two months. It is not clear whether Abhisit will call upon the National Human Rights Commission or appoint a special body, but the composition of the investigative body will come under close scrutiny.
- *the timing of elections.* Prime Minister Abhisit withdrew his offer of elections in November when UDD leaders added extra conditions with each round of discussions. Legally, the government has until December 2011 to conduct elections, but will be pressured to hold new polls before that. However, if elections are held before any meaningful political reconciliation is achieved, they could spark public protests and another round of violence from the losing side. The government has alluded to the need for constitutional revision, to ensure that all political contenders agree on the electoral rules, and that will likely push elections back.

Even if managed skillfully, this initial stage will not automatically ensure long-term political stability in Thailand. Thai leaders will face a number of longstanding and deeply rooted issues that should be addressed over time. Some of these include:

- *Addressing the center-province dynamic.* Historically, the Thai state has been strongly centralized, and this still describes the system to some extent. The political upheaval of the past four years has brought a public focus on discrepancies between the urban and rural sectors and the attitudes of urban Thais toward their rural counterparts. Thailand's democratic transition in the 1980's gave citizens greater access to national government through the parliament, but largely dodged the issue of political liberalization at the local level. The 1997 Constitution contained some measures for greater fiscal decentralization but was weaker on the political side of that issue. With his populist policies, Thaksin was able to build a base in the rural sector, but the center-province issues that his

administration highlighted have existed for decades. Addressing these problems effectively will require that the government de-couple them from any individual party or politician. This issue binds together the political conflict in Bangkok in the past two months and the communal violence in Thailand's deep south that has waged since 2004 – in one sense, both are opposite sides of the same coin.

- *Strengthening adherence to the rules of the political game.* Democracy, especially under a parliamentary form of government, depends upon the concept of a loyal opposition and acceptance of the outcome of the democratic process. Thai electoral politics has traditionally been weak on both of these counts. Disruptions or suspensions of democracy through coups or popular uprisings have set aside or skewed electoral outcomes. Moreover, the majority of elected governments have been formed by coalitions, which adds an element of political horse trading to the election after the fact. Coalitions are not inherently, but they complicate this aspect of Thai electoral democracy.
- *Not just revising the constitution but forging a stronger sense of constitutionalism.* Constitutions are intended to be living documents and revised as the nation requires. Early in his administration, Prime Minister Abhisit expressed interest in revising the constitution to remove the requirement that the courts dissolve a political party if a leader has been convicted of electoral fraud. This provision was responsible for the dissolution of Thaksin's Thai Rak Thai party and its successor, the People's Power Party, and effectively disenfranchised Thais who voted for these parties. Apart from weaknesses in any specific constitution, Thailand has an issue with durability of their charters. Since the establishment of the country's constitutional monarchy in 1932, the country has had 17 constitutions, each new version usually deriving from a coup or other non-democratic disruption. Serious constitutional revision is not as likely to occur if the option of doing away with the constitution altogether exists.

The road to reconciliation in Thailand will not be smooth in either the short or the long run. To add to a difficult process of political reconciliation, the country will likely face transitions in the monarchy, both in the Palace and in the Privy Council, in the foreseeable future. Another issue that affects genuine reconciliation is Thaksin's continuing impact on Thai politics. The process of reconciliation inevitably includes a calculation of benefits and drawbacks to having him either inside or outside the country, and inside or outside the political tent.

US Support for Thai Democracy and Stability

US-Thai relations have not been seriously damaged by the protracted political instability in Thailand over the past few years, but they have been constrained at times. More broadly, the relationship has been in drift for the last four years, since the 2006 coup. The essential framework of the security relationship has been preserved, but the Thai political crisis has prevented the two governments from reshaping the alliance in the face of a changing security environment in the Asia-Pacific region. The US market continues to represent an important export destination for Thailand, and American business remains positive on trade with Thailand. However, a number of bilateral trade issues have yet to be resolved, such as GSP, and the issue of a free trade agreement is still outstanding. Since the suspension of negotiations on a US-Thailand free trade agreement in 2006, the United States has begun to turn away from bilateral FTA's and toward regional arrangements such as the TransPacific Trade Partnership. It is not clear whether Thailand wants to or can accede to the TPP in the near future. Lastly, Thailand has played an important role in Southeast Asian regional relations and has figured prominently in US-ASEAN relations. The domestic political crisis has caused Thai leaders to be more inward-looking and less able to play a regional role.

The United States has a stake in helping to strengthen Thai democracy and in supporting a return to stability. However, that role requires some thought and even some restraint. The current political situation is still highly charged and extremely complex, and high-profile attempts by an external actor to change the dynamic are likely to be counter-productive. Moreover, it runs counter to Thai sensitivities. In contrast to some democratic transitions in the post-Cold War era, in which international involvement was a critical element, Thailand's democratization process was very much of its own making. Foreign donor assistance was often welcome, however, if it played a supporting rather than a leading role.

In the early stages of reconciliation in Thailand, the United States might consider the following:

- *Supporting Thailand's democratic development, when requested.* Pre-packaged democracy plans will not work in this case, but the United States should be responsive to requests for assistance from Thai leaders in both government and civil society. However, the United States should take pains to maintain a non-partisan approach to democracy assistance in Thailand. The perception that a foreign power was playing favorites in the Thai political arena would damage a fragile political peace.
- *Helping the Thai government build effective and accountable internal security.* Both "yellow shirts" and "red shirts" were able to occupy government buildings or entire Bangkok neighborhoods because they were reasonably certain that they could do so with impunity. Public demonstrations are a feature in most democracies, and Thai administrations should be able to meet with with equanimity. Although the United States and Thailand have a longstanding military-to-military relationship, there has been very little cooperation on police reform.

- *Engaging Thai interlocutors in “beyond the crisis” thinking.* Washington should not wait for this to happen automatically, but should make an effort to reach out to Bangkok for dialogues on security, economic and cultural relations. Beyond the benefit to the bilateral relationship itself, this would help Thailand regain some of its momentum in the international community.

A Regional Postscript

One of the interesting turns to come out of the Thai political crisis was a joint statement issued by the ASEAN member states by Vietnam, this year’s ASEAN chair. While careful to express support for Thailand, the statement asserted that Thai political stability was important for stability in the region. ASEAN also offered to assist Thailand as Bangkok thought appropriate. Statements of this nature are exceedingly rare in ASEAN and constitute something of an institutional watershed. In its own dialogue with ASEAN, the United States might follow up on this and explore Thailand and ASEAN’s willingness for the ASEAN Inter-Governmental Human Rights Commission to play an appropriate role in Thailand’s search for political reconciliation.